

ORDINANCE NO. 2387

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT CHAPTER 46 PARKS AND RECREATION BY REPEALING ARTICLE V TOWN SPECIAL EVENTS; DECLARING THE DOCUMENT ENTITLED THE “2012 AMENDMENTS TO THE CODE OF GILBERT, CHAPTER 15 SPECIAL EVENTS” AS A PUBLIC RECORD; AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 15 SPECIAL EVENTS, ARTICLE 1 DEFINITIONS, BY AMENDING SECTION 15-1 DEFINITIONS, SECTION 15-2 ADMINISTRATION, AMENDING ARTICLE II PERMITS, BY AMENDING SECTION 15-36 REQUIRED, EXEMPTIONS; 15-37 APPLICATION AND FEE, SECTION 15-38 GENERAL APPLICATION REQUIREMENTS, SECTION 15-39 ISSUANCE OF PERMIT, SECTION 15-40 PROHIBITED SPECIAL EVENT CONDUCT; REVOCATION, SECTION 15-45 DENIAL, MODIFICATION, REVOCATION, OR SUSPENSION; APPEAL TO TOWN MANAGER; AMENDING ARTICLE III REQUIREMENTS BY AMENDING SECTION 15-50 GENERAL REQUIREMENTS; SECTION 15-51 SPECIAL PROVISIONS RELATED TO FIREWORKS DISPLAYS, SECTION 15-52 SPECIAL PROVISIONS RELATED TO PARADES AND PUBLIC ASSEMBLIES; SECTION 15-53 SPECIAL PROVISIONS RELATED TO TOWN SPECIAL EVENTS, RELATED TO THE DEFINITION AND REGULATION OF SPECIAL EVENTS IN THE TOWN, INCLUDING PARADES AND PUBLIC ASSEMBLIES, AND TO THE DESIGNATION AND REGULATION OF TOWN SPECIAL EVENTS AS LIMITED PUBLIC FORA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Code of Gilbert, Chapter 46 Parks and Recreation, is hereby amended by repealing Article V Town Special Events in its entirety.

That certain document known as the “2012 Amendments to the Code of Gilbert, Chapter 15 Special Events” three copies of which shall remain on file in the office of the Town Clerk, is hereby declared to be a public record.

The Code of Gilbert shall be amended by adopting by reference that public record entitled the "2012 Amendments to the Code of Gilbert, Chapter 15 Special Events," which document is hereby adopted and incorporated by reference.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Civil Sanctions.

Any person found responsible for violating this section shall be subject to the civil sanctions and habitual offender provisions set forth in Section 1-5 of the Gilbert Municipal Code.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 6th day of September 2012, by the following vote:

AYES: Cook, Cooper, Daniels, Lewis, Petersen, Ray, Sentz


NAYES: None ABSENT: None

EXCUSED: None ABSTAINED: None

APPROVED this 6th day of September 2012.



John W. Lewis, Mayor

ATTEST: -


Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

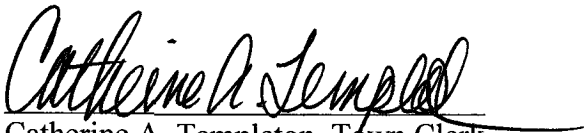


Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.

Town Attorneys

By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2387 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 6th DAY OF SEPTEMBER 2012, WAS POSTED IN FOUR PLACES ON THE 13 DAY OF September, 2012.



Catherine A. Templeton, Town Clerk

2012 AMENDMENTS TO CODE OF GILBERT CHAPTER 15 SPECIAL EVENTS

ARTICLE I GENERAL

Sec. 15-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the following meanings ascribed to them unless the context clearly indicates a different meaning:

AGGRESSIVE MANNER MEANS (1) INTENTIONALLY, KNOWINGLY OR RECKLESSLY MAKING ANY PHYSICAL CONTACT WITH OR TOUCHING ANOTHER PERSON IN THE COURSE OF THE SOLICITATION WITHOUT THE PERSON'S CONSENT; (2) APPROACHING OR FOLLOWING A PERSON BEFORE, DURING OR AFTER SOLICITING IF THAT CONDUCT IS INTENDED TO OR IS LIKELY TO CAUSE A REASONABLE PERSON TO FEAR BODILY HARM TO ONESELF OR ANOTHER, OR DAMAGE TO OR LOSS OF PROPERTY OR OTHERWISE BE INTIMIDATED INTO GIVING MONEY OR OTHER THING OF VALUE; (3) CONTINUING TO SOLICIT FROM A PERSON AFTER THE PERSON HAS GIVEN A NEGATIVE RESPONSE TO SUCH SOLICITING; OR (4) INTENTIONALLY, KNOWINGLY OR RECKLESSLY USING OBSCENE, ABUSIVE OR THREATENING LANGUAGE OR GESTURES INTENDED OR LIKELY TO CAUSE A REASONABLE PERSON TO FEAR IMMINENT BODILY HARM OR REASONABLY LIKELY TO INTIMIDATE THE PERSON BEING SOLICITED INTO RESPONDING AFFIRMATIVELY TO THE SOLICITATION. ACTS AUTHORIZED AS AN EXERCISE OF ONE'S CONSTITUTIONAL RIGHT TO PICKET OR PROTEST ARE NOT ACTS PERFORMED IN AN AGGRESSIVE MANNER.

Block party means a gathering of residents of a neighborhood for social purposes where the gathering is (i) limited to the residents of the immediate neighborhood and (ii) a public street will be used by the gathering.

Carnival means a temporary event that generally includes activities such as amusement rides, entertainment, game booths, food stands, exhibitions, animal displays and associated merchandise booths located on one acre or more.

Circus means a temporary event at which a combination of attractions and exhibitions, such as rides, illusions, freak shows, eating concessions, and gaming booths, including a main tent attraction along with side shows, are available for the purpose of amusement and entertainment and at which the public pays either an admittance or participation fee.

Conduct means to commence, manage, own, solicit, canvass, practice, transact, engage in, or carry on.

~~*Engaging* means the exercise of corporate or franchise powers.~~

EVENT ORGANIZER MEANS A PERSON WHO CONDUCTS OR MANAGES A SPECIAL EVENT.

Fireworks display means an organized event open to the public or to which invitations have been issued to the public where pyrotechnics are exploded.

GOODS MEANS ANY PERSONAL PROPERTY.

Multiple special events means more than one special event held at a single location simultaneously.

Parade means any march, demonstration, procession, motorcade or race consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks, or other public grounds within the town intended to attract public attention that interferes with the normal flow or regulation of pedestrian and/or vehicular traffic upon the streets, parks, or other public grounds.

~~*Promoter* means any person who produces or conducts a special event.~~

Public assembly means any demonstration, protest, picket line, rally, or similar gathering of more than 50 75 persons for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian or vehicular traffic, exceeds parking capacity, or occupies any public area in a place open to the general public. "Public assembly" does not include block parties.

Sidewalk means any area or way ~~set aside or open to the general public~~ OWNED OR CONTROLLED BY THE TOWN AND USED for purposes of pedestrian traffic, whether or not it is paved.

SIGN MEANS A COMMUNICATION DEVICE, STRUCTURE, OR FIXTURE THAT INCORPORATES GRAPHICS, SYMBOLS, WRITTEN COPY, AND/OR LIGHTING INTENDED TO PROMOTE THE SALE OF A PRODUCT, COMMODITY, OR SERVICE, OR TO PROVIDE DIRECTION OR IDENTIFICATION FOR A BUSINESS OR A FACILITY. SIGNS SHALL NOT INCLUDE ANY FLAG, BADGE, OR INSIGNIA OF ANY GOVERNMENTAL UNIT, NOR SHALL IT INCLUDE ANY ITEM OF MERCHANDISE NORMALLY DISPLAYED IN A BUSINESS WINDOW.

Special event means a carnival, circus, RODEO, FAIR, FESTIVAL, exhibition, fireworks display, multiple special events, single event swap meet and auction, parade, or public assembly TO WHICH THE PUBLIC IS INVITED OR ALLOWED TO PARTICIPATE. A block party is not a special event.

SPECIAL EVENT AREA MEANS AN AREA DESIGNATED BY THE PARKS AND RECREATION DIRECTOR AS AN AREA WHERE SPECIAL EVENTS ON TOWN PROPERTY MAY BE HELD. A COPY OF SUCH DESIGNATIONS IS ON FILE WITH THE PARKS AND RECREATION DEPARTMENT.

Special event permit means a permit required by this chapter.

Street means any place or way set aside or open to the general public for purposes of vehicular, including bicycle, traffic, including any berm or shoulder, parkway, right-of-way, or median strip thereof.

Swap meet and auction, single event means commercial activities held in an open area where one or more licensed sellers bring goods for sale or auctioning to the public.

TOWN SPECIAL EVENT MEANS A SPECIAL EVENT EXPRESSLY SPONSORED BY THE TOWN. A SPECIAL EVENT DOES NOT BECOME A TOWN

SPECIAL EVENT SOLELY BECAUSE THE TOWN PROVIDES PUBLIC SAFETY SERVICES, PARTIAL FUNDING OR OTHER TOWN RESOURCES.

Vendor means any person, other than a ~~promoter~~ AN EVENT ORGANIZER or its employee, who occupies a space, cell, booth, or other temporary structure or location for the purpose of retail sales of goods or services to the public in conjunction with, associated with, or attendant to a special event.

Sec. 15-2. - Administration.

(a) The parks and recreation director shall uniformly administer the provisions of this chapter and consider each special event permit application upon its merits and shall not discriminate in granting, denying, modifying, revoking, or suspending permits based upon political, religious, ethnic, racial, disability, sexual orientation, or gender related grounds.

(b) THE PARKS AND RECREATION DIRECTOR MAY DESIGNATE SPECIAL EVENT AREA AS DEFINED IN SECTION 15-1.

Sec. 15-3. - Violation of chapter.

(a) Any person found to be in violation of this chapter is responsible for a civil violation subject to the penalty provisions set forth in section 1-5, including provisions governing habitual offenders. The conduct of any special event in violation of this chapter shall constitute a separate violation for each and every day that such special event is conducted.

(b) The parks and recreation director, the code compliance manager, and the town prosecutor may cause complaints to be filed against persons violating any of the provisions of this chapter.

(c) The clerk of the court shall report to the parks and recreation director all convictions or violations of this section. The parks and recreation director shall maintain a record for each permit issued and record the reports of violations therein.

Sec. 15-4. - Conviction not to excuse nonpayment of fee.

The finding of responsibility for a civil violation or the conviction of any person for conducting a special event without a permit, as required under this chapter, shall not excuse or exempt such person from the payment of any permit fee or penalty due and unpaid at the time of such conviction.

Sec. 15-5. - Prohibited special event locations.

No person shall conduct a special event within the town in any structure or area where conducting such special event is prohibited by the zoning code of the town or is otherwise prohibited by fire or building code regulations.

Sec. 15-6. - Civil court action.

In any action brought under or arising out of any of the provisions of this chapter, the fact that the defendant is a person who conducted a special event for which a special event permit is required by this chapter, or exhibited a sign, business

card, or other advertisement indicating such business, shall be prima facie evidence of the liability of such defendant to obtain a special event permit and pay a permit fee under this chapter.

Sec. 15-7. - Form of notice.

Any notice sent by the town related to denial, suspension, revocation, or modification of a special event permit under this chapter shall be in writing and shall be sent by certified mail, postage prepaid, to such person at his last known address as identified in the application or special event permit on file in town records.

ARTICLE II. – PERMITS

Sec. 15-36. - Required; exemptions.

- (a) Unless exempted by subsection (d) below, it shall be unlawful for any person to conduct any special event within the town without a special event permit.
- (b) All special events that require a special event permit pursuant to this chapter shall, as a condition of the special event permit, comply with the requirements of this chapter, the town zoning code, all other applicable codes and ordinances of the town, and all applicable federal and state laws.
- (c) The issuance of a special event permit is not deemed evidence or proof that the permittee has complied with the provisions of this chapter, nor shall it prevent prosecution by the town of any violation of this chapter.
- (d) A special event permit shall not be required when:
 - (1) The general law of the state or federal government precludes the town from requiring a special event permit for the event.
 - (2) The event is conducted on property owned or leased by a school district and used for school purposes or is owned or leased by a religious institution and used for religious purposes.
- (e) NO TOWN FUNDS OR OTHER RESOURCES SHALL BE USED TO CONDUCT A SPECIAL EVENT EXCEPT WITH APPROVAL OF THE COUNCIL.

Sec. 15-37. - Application and fee.

- (a) All special event permit applications shall be submitted to the parks and recreation director. The parks and recreation director shall determine whether a special event permit is required. Except as provided in section 15-52 (Parades and public assemblies), an applicant for a special event permit shall submit such application at least 30 60days AND NOT MORE THAN ONE YEAR prior to the proposed first day of the special event.
- (b) Every applicant for a special event permit shall:
 - (1) Pay a nonrefundable application fee in an amount established by the council by resolution. if, after submitting the application, it is

determined that the event is not a special event, the fee shall be refunded.

- (2) Complete and submit a special event permit application in a form provided by the parks and recreation director.
- (c) The parks and recreation director shall forward the application to the code compliance manager and other appropriate town departments for review and approval. The application shall be ~~approved~~ ACCEPTED or denied within 15 days from the date it is received by the parks and recreation director.
- (d) If the application is not approved or denied within the applicable review period, ~~including completion of any required inspections~~, the reviewing official shall be deemed to have approved the application. Approval by the code compliance manager or other town department to which the application has been referred shall not prevent the application from being denied for other reasons.
- (e) THE PARKS AND RECREATION DIRECTOR SHALL MAINTAIN AN APPLICATION FORM FOR ANY REQUEST FOR FEE WAIVER BY AN ORGANIZATION CONDUCTING A SPECIAL EVENT IN A TOWN PARK OR RECREATION FACILITY AND MAY AUTHORIZE WAIVER OF SUCH FEES AND NO COST SUPPORT SERVICES WITH A MAXIMUM ANNUAL VALUE OF \$150.00 PER ORGANIZATION IF IT IS DETERMINED THAT THE USE WILL PROVIDE A SUBSTANTIAL BENEFIT TO TOWN RESIDENTS. IF THE REQUEST FOR FEE WAIVER INCLUDES A REQUEST FOR NO CHARGE ADDITIONAL SUPPORT SERVICES WHICH CREATE A COST FOR THE TOWN IN EXCESS OF \$10.00 FOR THE YEAR, THE APPLICATION SHALL BE REVIEWED BY THE PARKS, RECREATION AND LIBRARY SERVICES ADVISORY BOARD AND FORWARDED TO THE COUNCIL FOR FINAL CONSIDERATION AND APPROVAL.

Sec. 15-38. - General application requirements.

~~Except for parades and public assemblies, which shall comply with section 15-52, all s~~Special event permit applications shall include the following information:
BE IN A FORM PROVIDED BY THE PARKS AND RECREATION DIRECTOR.

- ~~(1) — The name, address, telephone numbers (including cellular telephone number, if possible), fax number and electronic mail address of the person or entity seeking to conduct the special event;~~
- ~~(2) — If applicable, the names, addresses, telephone numbers (including cellular telephone number, if possible), fax number and electronic mail address of the headquarters of the organization for which the special event is to be conducted, if any, and the authorized and responsible heads of the organization;~~
- ~~(3) — The requested date(s) of the special event;~~
- ~~(4) — The location of the special event;~~

- (5) ~~The approximate number of persons or vendors who will participate in or constitute the special event. Carnivals and circuses shall also state the approximate number of and describe the animals and rides that will be included in the carnival or circus;~~
- (6) ~~The hours when the special event will start and terminate on each day it is held;~~
- (7) ~~A site plan showing the location of all permanent and temporary structures (including tents or vendor booths) to be used, parking areas, public bathroom and trash facilities, and staging areas for the special event. Site plans for carnivals, circuses, and fireworks displays shall also indicate, as appropriate, the locations of fireworks detonation areas, spectator areas, and rides;~~
- (8) ~~A lighting plan for the event.~~
- (9) ~~A traffic and pedestrian circulation and control plan that identifies how many off-duty Gilbert Police Department personnel will be employed;~~
- (10) ~~A security plan describing how (including how many personnel will be used) to control crowds during the special event and ensure the safety of those who attend;~~
- (11) ~~A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the special event;~~
- (12) ~~The approximate number of attendees or spectators;~~
- (13) ~~A designation of any public facilities or equipment to be utilized;~~
- (14) ~~A dust control plan in compliance with standards adopted by the department of public works; and~~
- (15) ~~Any additional information that the development services manager finds reasonably necessary to a fair determination as to whether a special event permit should issue and taking into consideration the proximity to residential uses.~~

Sec. 15-39. - Issuance of permit.

- (a) The parks and recreation director shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:
 - (1) The conduct of the event will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to its location;
 - (2) The conduct of the event will not require the diversion of so great a number of town police officers to properly police the areas contiguous thereto as to prevent normal police protection of the town;

- (3) The concentration of persons, vehicles, and/or animals at the location of the event will not unduly interfere with public works operations, proper fire and police protection of, or ambulance service to, areas contiguous to such location;
 - (4) The conduct of the event is not reasonably likely to cause injury to persons or property;
 - (5) Adequate sanitation and other required health facilities are or will be made available in or adjacent to the event location;
 - (6) There are sufficient parking places near or on the site of the event to accommodate the number of vehicles reasonably expected;
 - (7) The applicant has secured the police protection, if any, required under subsection 15-50(f); and
 - (8) No event(s) is scheduled elsewhere in the town where the police resources required for that event(s) are so great that the deployment of police services for the proposed event would have an immediate and adverse effect upon the welfare and safety of persons and property.
- (b) Immediately upon the issuance of a special event permit, the parks and recreation director shall ~~send a copy thereof to the following:~~ NOTIFY AFFECTED DEPARTMENTS
- ~~(1) The town manager;~~
 - ~~(2) The town clerk;~~
 - ~~(3) The fire chief;~~
 - ~~(4) The director of the department of public works; and~~
 - ~~(5) The police chief.~~
- (c) Each permit shall state the following information:
- (1) Date(s);
 - (2) Location;
 - (3) Hours of operation; and
 - (4) Such other information as the PARKS AND RECREATION DIRECTOR shall find necessary to the enforcement of this chapter.
- (d) THE PARKS AND RECREATION DIRECTOR MAY IMPOSE REASONABLE CONDITIONS ON ANY SPECIAL EVENT PERMIT NECESSARY TO PROTECT THE SAFETY OF PERSONS AND PROPERTY AND THE

CONTROL OF TRAFFIC, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- (1) ALTERATION OF THE DATE, TIME, DURATION, FREQUENCY, ROUTE OR LOCATION OF THE EVENT;
- (2) CONDITIONS CONCERNING ACCOMMODATION OF AVAILABLE PARKING, PEDESTRIAN OR VEHICULAR TRAFFIC, INCLUDING RESTRICTING THE EVENT TO ONLY A PORTION OF A PUBLIC RIGHT-OF-WAY;
- (3) REQUIREMENTS FOR THE USE OF TRAFFIC CONES, BARRICADES OR OTHER TRAFFIC CONTROL DEVICES TO BE PROVIDED, PLACED AND REMOVED BY THE PERMITTEE AT ITS EXPENSE;
- (4) REQUIREMENTS FOR PROVISION OF EMERGENCY ACCESS AND FIRST AID OR SANITARY FACILITIES;
- (5) REQUIREMENTS FOR ARRANGEMENT OF SUPPLEMENTAL FIRE PROTECTION OR LAW ENFORCEMENT PERSONNEL TO BE PRESENT AT THE EVENT AT THE PERMITTEE'S EXPENSE;
- (6) RESTRICTIONS ON THE NUMBER AND TYPE OF VEHICLES, ANIMALS OR STRUCTURES AT THE EVENT AND INSPECTION AND PRIOR APPROVAL OF STRUCTURES AND DECORATED VEHICLES FOR FIRE SAFETY;
- (7) REQUIREMENTS FOR USE OF TRASH RECEPTACLES, CLEANUP AND RESTORATION OF PROPERTY;
- (8) A REQUIREMENT THAT NOTICE BE PROVIDED TO THE PROPERTY OWNERS OF PROPERTY ADJACENT TO THE SPECIAL EVENT;
- (9) IF THE SPECIAL EVENT IS TO BE HELD ON TOWN PROPERTY, A REQUIREMENT TO PROVIDE INSURANCE WITH POLICY LIMITS ESTABLISHED BY THE TOWN'S RISK MANAGER.
- (10) COMPLIANCE WITH ANY APPLICABLE LAW AND OBTAINING ANY OTHER LEGALLY REQUIRED PERMITS OR LICENSES; AND
- (11) DESIGNATION OF A CONTACT PERSON WITH DECISION-MAKING AUTHORITY WHO WILL BE CONTINUOUSLY AVAILABLE TO LAW ENFORCEMENT PERSONNEL AND PRESENT AT THE EVENT.

- (de) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

Sec. 15-40. - Prohibited special event conduct; revocation.

- (a) The following prohibitions shall apply to all special events:
 - (21) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly permitted special event to knowingly fail to comply with any condition of the permit;
 - (32) It shall be unlawful for any person to engage in any special event activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;
 - (43) It shall be unlawful for any person participating in a special event to utilize sound amplification equipment at decibel levels that exceed those limits imposed by sections 42-62 through 42-65 herein unless specifically authorized by the permit; and
 - (54) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.
- (b) The parks and recreation director shall have the authority to revoke a special event permit instantly upon violation of the conditions or standards for issuance as set forth in this section or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the welfare and safety of persons or property.

Sec. 15-41. - Mistake; collection of correct amount.

In no case shall any mistake made by the parks and recreation director in stating, fixing, or collecting the amount of any special event permit fee prevent or prejudice the town from collecting the correct amount due as provided in this chapter.

Sec. 15-42. - Right of entry.

The code compliance manager, police officers, and parks and recreation director shall have and exercise the power to enter, free of charge, during the special event and to demand the exhibition of the special event permit from any person conducting the special event. Denial of the right of entry by any person conducting a special event as required under this chapter shall be a civil violation.

Sec. 15-43. - Display; identification; permission of property owner; exhibition upon demand.

- (a) Every person having a special event permit under the provisions of this chapter shall keep such permit openly posted and exhibited in a conspicuous part of such location.

- (b) Every person having a special event under the provisions of this chapter shall produce and exhibit such permit, and, where applicable, written permission to conduct the event at the location or personal identification, whenever requested to do so by the parks and recreation director, any police officer, or the code compliance manager.

Sec. 15-44. - Other certificates or permits required.

- (a) When any business is required by federal, state, county, or local law to obtain any other license, permit, certificate, or examination, a special event permit shall not be issued until the applicant produces proof of such license, permit, certificate, or examination, including a use permit required by the zoning code of the town or any license, permit, certificate, or examination required by various health departments, as provided in A.R.S., Title 36 (A.R.S. § 36-101 et seq.).
- (b) Obtaining any license, permit, certificate, or examination required by federal, state, county, or local law shall be the sole responsibility of the applicant.
- (c) The issuance of a special event permit shall not be evidence that the town knew or should have known that another permit, certificate, or examination was required or was otherwise improperly issued.

Sec. 15-45. - Denial, modification, revocation, or suspension; appeal to town manager.

- (a) A special event permit application may be denied or a special event permit may be modified, suspended, or revoked by the parks and recreation director for any of the following causes:
 - (1) Fraud, misrepresentation, or false statement contained in the permit application.
 - (2) Any violation of this chapter or failure to meet any licensing requirement, including timely payment of fees.
 - (3) Conducting the ~~permitted business~~ SPECIAL EVENT in violation of any federal, state, county, or local law.
 - (4) FAILING TO COMPLY WITH CONDITIONS SET FORTH IN THE SPECIAL EVENT PERMIT ESTABLISHED PURSUANT TO Section 15-39(d).
 - (45) The permittee is convicted of untrue, fraudulent, misleading, or deceptive advertising.
 - (56) The permittee is a corporation or similar entity and is no longer qualified to transact business in the State of Arizona.
- (b) The parks and recreation director shall promptly notify the applicant or permittee in writing that the application has been denied or the permit has been modified, revoked, or suspended. The letter shall be personally delivered, or mailed certified OR E-MAILED and shall specify the grounds or

reasons for the denial, modification, revocation, or suspension AND SHALL INCLUDE NOTICE OF THE RIGHT TO APPEAL THE DECISION.

- (c) The applicant or permittee or any other aggrieved person may appeal the denial of the application or modification, revocation, or suspension of the permit to the town manager by filing a written statement fully describing the grounds for the appeal with the town clerk within five business days of the date of the parks and recreation director's letter.
- (d) The clerk shall set a time and place for a hearing to be held before the town manager within 15 business days of the filing of the appeal. A notice setting forth the date, time, and place of the hearing shall be personally delivered or mailed certified by the clerk to the appellant.
- (e) The town manager shall issue a written decision and mail notice thereof within five business days after the hearing setting forth the findings and grounds for the decision to the applicant or permittee.

Sec. 15-46. - Appeal to town council.

- (a) Any person aggrieved by a decision of the town manager affirming, modifying, or reversing the parks and recreation director's denial of a special event permit application or modification, suspension, or revocation of a special event permit shall have the right to appeal to the town council. The appeal shall be filed with the clerk no later than five business days from the date of the town manager's decision and shall consist of a written statement fully describing the grounds for appeal.
- (b) The clerk shall set a date, time, and place for a hearing before the council to be held within 30 days of the filing date of the appeal. A notice setting forth the date, time, and place of the hearing shall be personally delivered or mailed certified by the clerk to the appellant.
- (c) The decision of the council on appeal shall be final, except any person aggrieved may appeal the decision to superior court.
- (d) Any non-renewed or revoked permit shall be surrendered to the parks and recreation director on demand at the expiration of the appeals process.

Secs. 15-47—15-49. - Reserved.

ARTICLE III. – REQUIREMENTS

Sec. 15-50. - General requirements.

- ~~(a) Special events to be conducted at a town park shall obtain a permit from the parks and recreation department in addition to a special event permit.~~
- (ba) Special events to be conducted on private property shall obtain authorization from the property owner for the use of the property for such purpose.

- (eb) If the special event will include sale or service of alcohol, a special event liquor license is required.
- (ec) If the special event will include the sale of goods or food, a list of vendors and items to be sold shall be provided with the application and all applicable laws and regulations regarding transaction privilege taxes and the sale of food shall be complied with.
- (ed) Where a street closure is approved, written notice shall be given to neighborhoods identified by the parks and recreation director by delivery at least five days prior to the street closure. A road closure permit shall be obtained from the ~~public works department~~ TOWN TRAFFIC ENGINEER.
- (fe) If the application is for the use of any town property or if any town services shall be required for the special event, the applicant shall pay, in addition to an application fee and prior to the issuance of a permit, the charges for those services in accordance with ~~the schedule of services costs~~ THE SPECIAL EVENT FEE SCHEDULE approved by the town council by resolution.
- (gf) The parks and recreation director shall consult with the chief of police to determine whether and to what extent additional police protection will be reasonably necessary for the special event for traffic control and public safety. This decision shall be based on the size, location, duration, time, and date of the special event; the expected sale or service of alcoholic beverages; the number of streets and intersections blocked; and the need to detour or preempt citizen travel and use of the streets and sidewalks. Off-duty Gilbert police officers shall be used for all special events requiring traffic control on public roadways due to the special event and/or taking place on town property. The chief of police may request assistance of other law enforcement agencies if staffing requirements exceed the capacity of the Gilbert Police Department. The applicant shall have the duty to secure the police protection deemed necessary by the chief of police at the sole expense of the applicant.
- (h) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a town street, sidewalk, or right-of-way unless advance approval for the erection or placement of the structure is obtained from the town council.
- (i) IF A SPECIAL EVENT IS CONDUCTED WITHOUT A SPECIAL EVENT PERMIT OR A SPECIAL EVENT IS CONDUCTED IN VIOLATION OF THE TERMS OF A SPECIAL EVENT PERMIT, THE PARKS AND RECREATION DIRECTOR SHALL CHARGE THE EVENT ORGANIZER FOR ALL TOWN COSTS INCURRED FOR A PUBLIC SAFETY RESPONSE NECESSITATED BY THE ADVERSE IMPACTS OF THE EVENT UPON PUBLIC SAFETY. THE EVENT ORGANIZER SHALL PAY THE AMOUNT CHARGED WITHIN TEN DAYS OF RECEIPT OF AN INVOICE FOR SUCH COSTS.

Sec. 15-51. - Special provisions related to fireworks displays.

The ~~promoter~~ EVENT ORGANIZER, owner, or operator of a fireworks display, and its employees, agents, and/or subcontractors, shall strictly comply with

all applicable federal, state, county, and local laws, rules, regulations, and ordinances in conducting any fireworks display.

Sec. 15-52. - Special provisions related to parades and public assemblies.

- (a) THE PROVISIONS OF SECTION 15-1 THROUGH 15-51 SHALL APPLY TO PARADES AND PUBLIC ASSEMBLIES EXCEPT AS MODIFIED BY THIS SECTION. No person shall engage in or conduct any parade or public assembly unless a special event permit is issued by the parks and recreation director.
- (b) This section shall not apply to the following:
 - (1) Funeral processions;
 - (2) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of school authorities;
 - (3) A governmental agency acting within the scope of its functions; and
 - (4) Spontaneous events occasioned by news or affairs coming into public knowledge within two days of such public assembly, provided that the organizer thereof gives written notice to the town at least 24 hours prior to such parade or public assembly.
- (c) ~~For single, non-recurring parades or public assemblies, a~~An application for a permit FOR A PUBLIC ASSEMBLY OTHER THAN A PARADE shall be filed with the parks and recreation director at least ten and not more than 180 days ONE YEAR before the parade or public assembly is proposed to commence. AN APPLICATION FOR A PARADE SHALL BE FILED WITH THE PARKS AND RECREATION DIRECTOR AT LEAST SIXTY AND NOT MORE THAN ONE YEAR BEFORE THE PARADE. The parks and recreation director may waive the minimum ten-day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place, and nature of the parade or public assembly, the anticipated number of participants, and the town services required in connection with the event, the parks and recreation director determines the waiver will not present a hazard to public safety. THE PARKS AND RECREATION DIRECTOR MAY WAIVE THE APPLICATION FEE FOR A DEMONSTRATION, PROTEST, PICKET LINE, OR RALLY.
- (d) ~~For parades or public assemblies held on a regular or recurring basis at the same location, an application for a permit covering all such parades or assemblies during that calendar year may be filed with the development services manager at least 60 and not more than 180 days before the date and time at which the first such parade or public assembly is proposed to commence. The development services manager may waive the minimum 60-day period after due consideration of the factors specified in subsection (c) above.~~

- (ed) The application for a parade or public assembly permit shall set forth the following information: BE IN A FORM AS PROVIDED BY THE PARKS AND RECREATION DIRECTOR.
- (1) ~~The name, address, and telephone number of the person seeking to conduct such parade or public assembly;~~
 - (2) ~~The names, addresses, and telephone numbers of the headquarters of the organization for which the parade or public assembly is to be conducted, if any, and the authorized and responsible heads of the organization;~~
 - (3) ~~The requested date(s) of the parade or public assembly;~~
 - (4) ~~The route to be traveled, including the starting and termination points;~~
 - (5) ~~The approximate number of persons who and animals and vehicles that will constitute such parade or public assembly and the type of animals and description of the vehicles;~~
 - (6) ~~The hours when such parade or public assembly will start and terminate;~~
 - (7) ~~A statement as to whether the parade or public assembly will occupy all or only a portion of the width of the streets proposed to be traveled;~~
 - (8) ~~The location by street of any staging or assembly areas for such parade or public assembly;~~
 - (9) ~~The time at, which units of the parade or public assembly will begin to assemble at any such staging or assembly area;~~
 - (10) ~~The intervals of space to be maintained between units of such parade or public assembly;~~
 - (11) ~~If the parade or public assembly is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from that person with the development services manager authorizing the applicant to apply for the permit on his behalf;~~
 - (12) ~~The type of public assembly, including a description of activities planned during the event;~~
 - (13) ~~A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the parade or public assembly;~~
 - (14) ~~The approximate number of participants (spectators are by definition not participants);~~
 - (15) ~~The approximate number of spectators;~~

~~(16) A designation of any public facilities or equipment to be utilized; and~~

~~(17) Any additional information that the development services manager finds reasonably necessary to a fair determination as to whether a permit should issue.~~

- (f) Persons engaging in parades or public assemblies conducted for the sole purpose of public issue speech protected under the first amendment are not required to pay for any police protection provided by the town.
- (g) The parks and recreation director shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:
 - (1) The conduct of the parade or public assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
 - (2) The conduct of the parade or public assembly will not require the diversion of so great a number of town police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the town;
 - (3) The concentration of persons, animals, and vehicles at staging or public assembly points of the parade or public assembly will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such staging and public assembly areas;
 - (4) The conduct of the parade or public assembly is not reasonably likely to cause injury to persons or property;
 - (5) The parade or public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays;
 - (6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any staging and public assembly areas;
 - (7) There are sufficient parking places near the site of the parade or public assembly to accommodate the number of vehicles reasonably expected;
 - (8) The applicant has secured the police protection, if any, required under subsection (g);
 - (9) Such parade or public assembly is not for the primary purpose of advertising any product, goods, or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods, or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;

- (10) No parade or public assembly permit application for the same time and location is already granted or has been received and will be granted;
 - (11) No parade or public assembly permit application for the same time but not location is already granted or has been received and shall be granted, and the police resources required for that prior parade or public assembly are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and
 - (12) No event is scheduled elsewhere in the town where the police resources required for that event are so great that the deployment of police services for the proposed parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.
- (h) The parks and recreation director shall act promptly upon a timely filed application for a parade or public assembly permit but in no event shall grant or deny a permit less than 48 hours prior to the event. If the parks and recreation director disapproves the application, he shall notify the applicant either by personal delivery or certified mail at least 48 hours prior to the event of his action and state the reasons for denial.
 - (i) The parks and recreation director, in denying an application for a parade or public assembly permit, may authorize the conduct of the parade or public assembly at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the parks and recreation director, file a written notice of acceptance with the parks and recreation director. An alternate parade or public assembly permit shall conform to the requirements of, and shall have the effect of, a permit issued under this section.
 - (j) Any applicant shall have the right to appeal the denial of a parade or public assembly permit to the town council. The denied applicant shall make the appeal within five days after receipt of the denial by filing a written notice with the parks and recreation director and a copy of the notice with the town clerk. The town council shall act upon the appeal at its next scheduled meeting following receipt of the notice of appeal. In the event that the town council rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.
 - (k) Immediately upon the issuance of a parade or public assembly permit, the parks and recreation director shall ~~send a copy thereof to the following:~~
NOTIFY AFFECTED DEPARTMENTS.
 - (1) ~~Town manager;~~
 - (2) ~~The town clerk;~~
 - (3) ~~The fire chief;~~

- ~~(4) — The chief of police;~~
- ~~(5) — The director of the department of public works;~~
- ~~(6) — The postmaster; and~~
- ~~(7) — The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade or public assembly.~~

(l) Each permit shall state the following information:

- (1) Starting and approximate ending time;
- ~~(2) — Minimum speed of parade units;~~
- ~~(3) — Maximum speed of parade units;~~
- ~~(4) — Maximum interval of space to be maintained between parade units;~~
- (52) The portions of the streets that may be occupied by the parade or public assembly;
- ~~(63) The maximum length of the parade in miles or fractions thereof~~ THE START AND FINISH LOCATIONS; and
- (74) Such other information as the ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall find necessary to the enforcement of this section.

(m) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade or public assembly chairman or other person heading such activity shall carry the parade or public assembly permit upon his person during the conduct of the parade or public assembly.

(n) The following prohibitions shall apply to all parades and public assemblies:

- (1) It shall be unlawful for any person to stage, present, or conduct any parade or public assembly without first having obtained a permit as herein provided;
- (2) It shall be unlawful for any person to participate in a parade or public assembly for which the persons knows a permit has not been granted;
- (3) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed parade or public assembly to knowingly fail to comply with any condition of the permit;
- (4) It shall be unlawful for any person to engage in any parade or public assembly activity that would constitute a substantial hazard to the

public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

- (5) It shall be unlawful for any person participating in a parade or public assembly to utilize sound amplification equipment at decibel levels that exceed those limits imposed by sections 42-62 through 42-65 of this Code unless expressly authorized by the permit; and
 - (6) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.
- (o) The public shall conduct itself as follows:
- (1) No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or public assembly or with any person, vehicle, or animal participating or used in a parade or public assembly.
 - (2) No driver of a vehicle shall drive between the vehicles or persons comprising a parade or public assembly when such vehicles or persons are in motion and are conspicuously designated as a parade or public assembly.
 - (3) The parks and recreation director shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade or public assembly. The parks and recreation director shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.
- (p) The parks and recreation director shall have the authority to revoke a parade or public assembly permit instantly upon violation of the conditions or standards for issuance as set forth in this section or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.

SEC. 15-53. – SPECIAL PROVISIONS RELATED TO TOWN SPECIAL EVENTS.

- (a) THE PARKS AND RECREATION DIRECTOR MAY DESIGNATE IN WRITING A SPECIAL EVENT AS A TOWN SPECIAL EVENT UNDER THE FOLLOWING CONDITIONS:
 - (1) THE COUNCIL HAS APPROVED THE SPECIAL EVENT AS A TOWN SPECIAL EVENT;
 - (2) THE SPECIAL EVENT MEETS THE FOLLOWING CRITERIA:
 - A. IT IS OPEN TO THE PUBLIC

- B. IT PROMOTES RECREATIONAL, CULTURAL, EDUCATIONAL OR ENTERTAINMENT PURPOSES.
- C. IT IS CONDUCTED OR DEVELOPED BY TOWN STAFF OR APPROVED TOWN BOARD, COMMISSION OR COMMITTEE.
- D. IT WILL BE COVERED UNDER THE TOWN'S INSURANCE.
- E. IT IS IDENTIFIED IN THE TOWN BUDGET.

(b) AT TOWN SPECIAL EVENTS, ACTIVITIES MAY BE LIMITED TO THOSE ACTIVITIES CONSISTENT WITH THE THEME AND PURPOSE FOR THE SPECIAL EVENT, INCLUDING MUSIC, ENTERTAINMENT, FOOD, DRINK, SALE OF TOWN MERCHANDISE OR COMMERCIAL GOODS APPROVED BY THE TOWN IN ORDER TO:

- (1) TO ENSURE THERE IS ADEQUATE SPACE AVAILABLE FOR TOWN APPROVED ACTIVITIES AND TO PROMOTE SAFETY OF PATRONS, ORDERLY MOVEMENT AND CROWD CONTROL; AND
- (2) TO MINIMIZE POTENTIAL LITTER, PROPERTY DAMAGE, NOISE, OR OTHER DELETERIOUS IMPACTS OF NON-TOWN SPONSORED VENDORS OR SOLICITORS AT THE TOWN SPECIAL EVENT.

(c) WHERE ACTIVITIES AT TOWN SPECIAL EVENTS ARE LIMITED PURSUANT TO PARAGRAPH (b) ABOVE, THE PARKS AND RECREATION DIRECTOR SHALL PREPARE A WRITTEN DESIGNATION OF THE TOWN SPECIAL EVENT AS A LIMITED PUBLIC FORUM, WHICH DESIGNATION SHALL INCLUDE THE FOLLOWING:

- (1) NAME OF THE SPECIAL EVENT;
- (2) THEME AND PURPOSE OF THE SPECIAL EVENT;
- (3) DATE, TIME, AND CLEARLY DEFINED BOUNDARIES OF THE SPECIAL EVENT.

(d) THE PARKS AND RECREATION DIRECTOR SHALL CAUSE NOTICE OF THE DESIGNATION OF A TOWN SPECIAL EVENT AS A LIMITED PUBLIC FORUM TO BE POSTED FOR AT LEAST 15 DAYS PRIOR TO THE SPECIAL EVENT AT THE GILBERT MUNICIPAL COMPLEX, THE PARKS AND RECREATION OFFICE, AND ON THE TOWN WEBSITE. A COPY OF THE NOTICE SHALL ALSO BE AVAILABLE AT THE TOWN INFORMATION BOOTH AT THE SPECIAL EVENT, ALONG WITH A COPY OF THIS ARTICLE. THE NOTICE AT A MINIMUM SHALL INCLUDE THE INFORMATION REQUIRED IN PARAGRAPH (c), THE LOCATION OF AN ADJACENT PUBLIC FORUM AREA FOR ACTIVITIES DESCRIBED IN PARAGRAPHS (f) AND (g) OF THIS SECTION, AND THE NAME AND TELEPHONE NUMBER OF A PARKS AND RECREATION DEPARTMENT EMPLOYEE WHO MAY BE CONTACTED FOR FURTHER INFORMATION.

- (e) ACTIVITIES IN A LIMITED PUBLIC FORUM SHALL BE LIMITED AS SET FORTH BELOW.
 - (1) IT SHALL BE UNLAWFUL WITHIN THE SPECIAL EVENT BOUNDARY FOR ANY PERSON OR GROUP:
 - (a) TO SOLICIT PAYMENT OF MONEY, DONATIONS OR ANY THING OF VALUE FROM PATRONS, WITHOUT TOWN APPROVAL.
 - (b) TO DISTRIBUTE WRITTEN MATERIALS, TRINKETS OR OTHER ITEMS TO PATRONS, WITHOUT TOWN APPROVAL.
 - (c) TO SOLICIT SUPPORT FOR ANY CANDIDATE OR CAUSE IN AN AGGRESSIVE MANNER, AS DEFINED IN SECTION 15-1.
 - (d) TO CIRCULATE PETITIONS AMONG PATRONS FOR SIGNATURE IN SUPPORT OF ANY CANDIDATE OR CAUSE.
 - (2) TOWN BOOTH APPROVALS WILL BE ISSUED ONLY TO VENDORS OR SPONSORS SUPPLYING FOOD, DRINK, GOODS OR ACTIVITIES CONSISTENT WITH THE THEME AND PURPOSE OF A SPECIAL EVENT DESIGNATED AS A LIMITED PUBLIC FORUM.
 - (3) NOTHING IN THIS PARAGRAPH (e) SHALL BE CONSTRUED TO PREVENT INDIVIDUALS FROM ENTERING THE SPECIAL EVENT DESIGNATED AS A LIMITED PUBLIC FORUM TO ENGAGE IN CONSENSUAL CONVERSATION WITH PATRONS AT THE EVENT CONCERNING THEIR CAUSES.
- (f) THE DIRECTOR SHALL ESTABLISH A "PUBLIC FORUM" NEAR THE BOUNDARY OF ANY TOWN SPECIAL EVENT DESIGNATED AS A LIMITED PUBLIC FORUM.
 - (1) ANY PERSON OR GROUP (INCLUDING A POLITICAL, RELIGIOUS, CHARITABLE OR EDUCATIONAL GROUP) MAY ON A FIRST-COME, FIRST-SERVED AND SPACE-AVAILABLE BASIS SET UP A BOOTH WITHIN A TEN BY TEN FOOT AREA WITHIN THE PUBLIC FORUM AREA. BOOTHS MUST BE STAFFED AT ALL TIMES. THE PERSON OR GROUP IS RESPONSIBLE FOR PROVIDING ITS OWN EQUIPMENT, SUCH AS TABLES AND CHAIRS. BOOTHS AND RELATED EQUIPMENT MUST BE REMOVED WITHIN TWO HOURS AFTER THE CLOSE OF THE TOWN SPECIAL EVENT.
 - (2) SPECIAL EVENTS HELD ON TOWN PROPERTY THAT ARE NOT TOWN SPECIAL EVENTS MAY ALSO BE DESIGNATED AS A LIMITED PUBLIC FORUM AND A PUBLIC FORUM AREA SHALL BE ESTABLISHED, FOLLOWING THE PROCEDURES FOR TOWN SPECIAL EVENTS.
- (g) ANY PERSON OR GROUP MAY ENGAGE IN POLITICAL, RELIGIOUS, CHARITABLE, OR EDUCATIONAL ACTIVITIES WITHIN THE PUBLIC FORUM AREA ESTABLISHED UNDER PARAGRAPH (f), AND IN CONJUNCTION THEREWITH IT SHALL BE LAWFUL:

- (1) TO SOLICIT PAYMENT OF MONEY, DONATIONS OR ANY THING OF VALUE FROM PATRONS.
 - (2) TO DISTRIBUTE WRITTEN MATERIALS, TRINKETS OR OTHER ITEMS TO PATRONS.
 - (3) TO CIRCULATE PETITIONS AMONG PATRONS FOR SIGNATURE IN SUPPORT OF ANY CANDIDATE OR CAUSE.
- (H) WITHIN A PUBLIC FORUM AREA, IT SHALL BE UNLAWFUL:
- (1) TO ENGAGE IN DISORDERLY CONDUCT AND/OR TO DISTURB THE PEACE.
 - (2) TO OFFER FOOD, DRINK, GOODS OR ACTIVITIES SIMILAR TO THOSE PROVIDED IN THE TOWN SPECIAL EVENT EXCEPT WATER MAY BE OFFERED.
- (I) ANY PERSON FOUND TO BE IN VIOLATION OF THIS ARTICLE IS RESPONSIBLE FOR A CIVIL VIOLATION AND MAY BE PUNISHED BY IMPOSITION OF A CIVIL SANCTION NOT TO EXCEED \$500.00. A PERSON WHO IS FOUND RESPONSIBLE FOR COMMITTING THREE OR MORE CIVIL VIOLATIONS WITHIN AN 18-MONTH PERIOD IS GUILTY OF A CLASS ONE MISDEMEANOR, AS SPECIFIED IN SECTION 1-5 OF THIS CODE. EACH DAY THAT A VIOLATION CONTINUES SHALL BE A SEPARATE VIOLATION.